

W&GR Wilson Sonsini Goodrich & Rosati
PROFESSIONAL CORPORATION

RECEIVED
CENTRAL FAX CENTER

AUG 30 2005

Date: August 29, 2005

To: Mail Stop: Petition

Fax: (571) 273-8300

☐ Use this fax
number only

Company: U.S. Patent and Trademark Office

Phone:

☐ Notify recipient
before sending

From: Lydia Vosburgh for U.P. Peter Eng

Phone: (650) 845-5044

Return Fax: (650) 493-6811

Original: ☐ To follow via mail ☐ To follow via courier ☐ To follow via email ☒ Original will not follow

Fax Contains: 23 pages (including this sheet). If incomplete, call (650) 845-5044.

Message:

Attached is a Supplemental (Expedited) Petition to Expunge Part of Original Disclosure (37 C.F.R. 1.183 § 1.183) for:

Application No.: 10/791,439

Date Filed: March 2, 2004

Art Unit: 3621

Confirmation No.: 3435

Title: Method and System for Identifying Users and Detecting Fraud by Use of the Internet

Inventor: Ori Eisen

Ref: 31718-701-201

Return Original to: Lydia C. Vosburgh

Location: FH1-2-K

RECEIVED
OIPE/IAP

AUG 31 2005

650 Page Mill Road, Palo Alto, CA 94304-1050 • 650.493.9300 Tel • 650.493.6811 Fax • www.wsgr.com

This fax may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited.
If you are not the intended recipient please contact the sender and destroy all copies.

En/Re Transmission Copyright © 2003 Wilson Sonsini Goodrich & Rosati. All Rights Reserved.

C:\NP\B\APALIB\1\LCV\2715647 1.DOC\2715647 1.DOC (7/17)

PAGE 1/23 * RCVD AT 8/30/2005 4:25:09 PM [Eastern Daylight Time] * SVR:USPTO-EFAXF-6/24 * DNIS:2738300 * CSID:650 493 6811 * DURATION (mm-ss):12-02

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

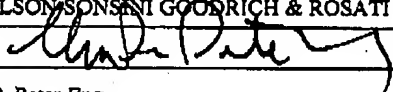
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

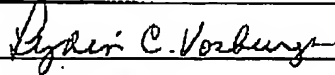
TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/791,439
		Filing Date	March 2, 2004
		First Named Inventor	Ori Eisen
		Art Unit	3621
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	23	Attorney Docket Number	31718-701.201

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Amended Figure 1 2. Copy of Expedited Petition to Expunge filed on August 25, 2005
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm Name	WILSON SONSINI GOODRICH & ROSATI		
Signature			
Printed Name	U.P. Peter Eng		
Date	August 30, 2005	Reg. No.	39,666

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Lydia C. Vosburgh	Date	August 30, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

AUG 30 2005

VIA FACSIMILE (571) 273-8300

PATENT
DOCKET NO.: 31718-701.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Applicant(s): Ori Eisen)	Art Unit: 3621
)	
Serial No.: 10/791,439)	Examiner: Not Yet Assigned
)	
Filed: March 2, 2004)	Confirmation No.: 3435
)	
Title: METHOD AND SYSTEM FOR)	
IDENTIFYING USERS AND)	
DETECTING FRAUD BY USE OF)	
THE INTERNET)	

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUPPLEMENTAL (EXPEDITED) PETITION TO EXPUNGE
PART OF ORIGINAL DISCLOSURE (37 C.F.R. § 1.183)**

Sir:

Applicant hereby submits this Supplemental Petition to be considered together with the Expedited Petition to Expunge Part of Original Disclosure / Suspend the Rules under 37 C.F.R. § 1.183 filed on August 25, 2005 (the "Original Petition"). These petitions request waiver of the requirements of 37 C.F.R. § 1.59(a) and their expedited consideration is respectfully requested.

The chart containing personal information submitted as part of the instant patent application (the "Chart") contains personal information that was filed as part of the original disclosure on March 2, 2004. Applicant previously submitted substitute sheets entitled "Figure 1" in the Original Petition for immediate entry into the record in place of the Chart, if possible. However, upon further consideration of Figure 1 and its contents, Applicant hereby submits amended substitute sheets ("Amended Figure 1") in the alternative. Amended Figure 1 redacts or removes portions of the Chart, and does not introduce new text that could be possibly construed as new matter. All other remedial actions deemed necessary to prevent public disclosure of the Chart and its contents is again respectfully requested.

C:\N\Portbl\PALIB\LCV\2715284_1.DOC

U.S. Serial No.: 10/791,439
Docket No.: 31718-701.201

The basis for this petition under 37 C.F.R. § 1.183 and why justice requires suspension of the rules (37 C.F.R. § 1.59(a)) in this extraordinary situation are provided below.

REMARKS

The instant patent application is related generally to electronic commerce (e-commerce) transactions and solutions for identifying computers, particularly those associated with fraudulent online transactions. In order to explain concepts of the invention provided herein, it was intended for the Chart to include information about fictional online users including phony names, e-mail address, credit card information. Whether the underlying information in the Chart is fictitious or not adds no real value for purposes of describing and explaining the concepts of the invention. References to the Chart in this application are as follows:

1. In the last paragraph on p. 5 of the patent application (five lines from the bottom of the page), the following reference is made to the Chart - "Referring to the chart, what is shown is a series of typical transactions on the Internet between a merchant and several customers."
2. Under the section entitled "Brief Description of the Chart," the following reference is made to the Chart - "The chart illustrates the versatility and accuracy of the present invention in weeding out possible fraudulent online transactions."

Applicant contends that Amended Figure 1 submitted herewith includes redacted portions of the entries submitted in the original Chart, and therefore does not introduce new matter. The first or last names of individuals have been deleted in the Amended Figure 1 without the addition of any new text. Moreover, the "domain" portions of e-mail addresses from the Chart have also been replaced with the "local-part" or the name of an individual which precede the "@" symbol, e.g., Bob@bob.com. Finally the partial credit card numbers remain crossed-out (X) entirely. As explained above, none of the details in of the Chart is necessary to describe and claim the invention as required under applicable patent statutes and rules.

U.S. Serial No.: 10/791,439
Docket No.: 31718-701.201

CONCLUSION

Because information forming part of the original disclosure may not be expunged as stated under 37 C.F.R. § 1.59(a) in general, Applicant hereby requests suspension of the rules pursuant to 37 C.F.R. § 1.183. Based upon inspection of the record and papers submitted to date, the instant petition should be granted. Applicant respectfully requests that:

(1) the Chart be expunged from the original disclosure and that it not be published or otherwise disclosed to the public such as by inspection of the physical files or the PAIR access site; and

(2) Figure 1 be entered into the record in place of the Chart, or in the alternative, entry of Amended Figure 1 is requested should there be any concerns regarding introduction of new matter. Favorable and prompt action on this expedited request is respectfully solicited in this extraordinary situation.

The Commissioner is hereby authorized to charge applicable fees as required by 37 C.F.R. § 1.17(h) or for expedited consideration of this petition or the Original Petition, and any other additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No.: 31718-701.201).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

Dated: August 30, 2005

By: 

U. P. Peter Eng

Registration No.: 39,666

650 Page Mill Road
Palo Alto, California 94304-1050
Telephone No.: (650) 493-9300
Facsimile No.: (650) 493-6811

Certificate of Transmission or Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted and/or deposited with the U.S. Postal Service as first class mail to the United States Patent and Trademark Office on 8/30/05.

Signature: Lynette C. Vossburg
Print Name: LYNETTE C. VOSSBURGH

C:\N:\Portb\PALIB\NLCV2715284_1.DOC

[illegible]

FIG. 1

FIG. 1

[illegible]

FIG. 1

[illegible]

FIG. 1

[illegible]

FIG. 1

[illegible]

Fig. 1

FIG. 1

[illegible]

FIG. 1

[illegible]

FIG. 1

[illegible]

FIG. 1

CARD NUMBER

PAGE 16/23 * RCVD AT 8/30/2005 4:25:09 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:650 493 6811 * DURATION (mm-ss):12-02

[illegible]

FIG. 1

TimeDiff	ORDERTIME	CUSTLOCAL TIME	EMAIL	BROWSERID	CARD HOLDER	CARD NUMBER
601	14-May-02	15-May-02	M	MOZILLA4.0 (COMPATIBLE; MSIE 5.0; WINDOWS 98; DIGEXT)	NEWMAN	XXXXXXXXXXXXXXXXXX
601	14-May-02	15-May-02	M	MOZILLA4.0 (COMPATIBLE; MSIE 5.0; WINDOWS 98; DIGEXT)	NEWMAN	XXXXXXXXXXXXXXXXXX
601	14-May-02	15-May-02	M	MOZILLA4.0 (COMPATIBLE; MSIE 5.0; WINDOWS 98; DIGEXT)	NEWMAN	XXXXXXXXXXXXXXXXXX
601	14-May-02	15-May-02	M	MOZILLA4.0 (COMPATIBLE; MSIE 5.0; WINDOWS 98; DIGEXT)	NEWMAN	XXXXXXXXXXXXXXXXXX
601	14-May-02	15-May-02	M	MOZILLA4.0 (COMPATIBLE; MSIE 5.0; WINDOWS 98; DIGEXT)	NEWMAN	XXXXXXXXXXXXXXXXXX
601	14-May-02	15-May-02	M	MOZILLA4.0 (COMPATIBLE; MSIE 5.0; WINDOWS 98; DIGEXT)	NEWMAN	XXXXXXXXXXXXXXXXXX
585	14-May-02	15-May-02	M	MOZILLA4.0 (COMPATIBLE; MSIE 5.0; WINDOWS 98; DIGEXT)	ALI-KHAN	XXXXXXXXXXXXXXXXXX
601	29-May-02	29-May-02	TMAIL.COM	MOZILLA4.0 (COMPATIBLE; MSIE 5.0; WINDOWS 98; DIGEXT)	CANNON	XXXXXXXXXXXXXXXXXX
601	29-May-02	29-May-02	TMAIL.COM	MOZILLA4.0 (COMPATIBLE; MSIE 5.0; WINDOWS 98; DIGEXT)	CANNON	XXXXXXXXXXXXXXXXXX
596	12-Jun-02	13-Jun-02	SHORAB8@SHORA.COM	MOZILLA4.0 (COMPATIBLE; MSIE 5.0; WINDOWS 98; DIGEXT)	JOHN	XXXXXXXXXXXXXXXXXX
596	12-Jun-02	13-Jun-02	SHORAB8@SHORA.COM	MOZILLA4.0 (COMPATIBLE; MSIE 5.0; WINDOWS 98; DIGEXT)	JOHN	XXXXXXXXXXXXXXXXXX
596	12-Jun-02	13-Jun-02	SHORAB8@SHORA.COM	MOZILLA4.0 (COMPATIBLE; MSIE 5.0; WINDOWS 98; DIGEXT)	JOHN	XXXXXXXXXXXXXXXXXX
596	12-Jun-02	13-Jun-02	SHORAB8@SHORA.COM	MOZILLA4.0 (COMPATIBLE; MSIE 5.0; WINDOWS 98; DIGEXT)	JOHN	XXXXXXXXXXXXXXXXXX
604	06-Jun-02	06-Jun-02	FAYSEEM@FAYSEEM.COM	MOZILLA4.0 (COMPATIBLE; MSIE 5.0; WINDOWS 98; DIGEXT)	GARCIA	XXXXXXXXXXXXXXXXXX
597	18-Jun-02	18-Jun-02	SANATAZ@SANATAZ.COM	MOZILLA4.0 (COMPATIBLE; MSIE 5.0; WINDOWS 98; DIGEXT)	SAHOO	XXXXXXXXXXXXXXXXXX
597	18-Jun-02	18-Jun-02	SANATAZ@SANATAZ.COM	MOZILLA4.0 (COMPATIBLE; MSIE 5.0; WINDOWS 98; DIGEXT)	TOM	XXXXXXXXXXXXXXXXXX
597	18-Jun-02	18-Jun-02	SANATAZ@SANATAZ.COM	MOZILLA4.0 (COMPATIBLE; MSIE 5.0; WINDOWS 98; DIGEXT)	TOM	XXXXXXXXXXXXXXXXXX
597	18-Jun-02	18-Jun-02	SANATAZ@SANATAZ.COM	MOZILLA4.0 (COMPATIBLE; MSIE 5.0; WINDOWS 98; DIGEXT)	TOM	XXXXXXXXXXXXXXXXXX

FIG. 1

AUG. 25. 2005 10:27AM WILSON SONSINI

No. 0333 P. 2



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 07/31/2006. OMB 0631-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/791,439
		Filing Date	March 2, 2004
		First Named Inventor	Ori Eisen
		Art Unit	3621
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	18	Attorney Docket Number	31718-701.201

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 13-page chart (Figure 1)
--	--	---

Remarks

A fee of \$130.00 as required by 37 C.F.R. 1.17 (h) and a fee of \$400.00 to expedite the petition are authorized to be charged to Deposit Account No. 23-2415.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm Name	WILSON SONSINI GOODRICH & ROSATI		
Signature			
Printed Name	U.P. Peter Eng		
Date	August 25, 2005	Reg. No.	39,666

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being <u>electronically</u> transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Sunny Downs	Date	August 25, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-5199 and select option 2.

BEST AVAILABLE COPY

PATENT
DOCKET NO.: 31718-701.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

In re Patent Application of)

Applicant(s): Ori Eisen)

Art Unit: 3621

AUG 30 2005

Serial No.: 10/791,439)

Examiner: Not Yet Assigned

Filed: March 2, 2004)

Confirmation No.: 3435

Title: METHOD AND SYSTEM FOR
IDENTIFYING USERS AND
DETECTING FRAUD BY USE OF
THE INTERNET)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

(EXPEDITED) PETITION TO EXPUNGE PART OF ORIGINAL DISCLOSURE
(37 C.F.R. § 1.183)

Sir:

Applicant hereby petitions to suspend the rules under 37 C.F.R. § 1.183 in order to expunge a chart containing personal information (the "Chart") from the disclosure originally filed in this application. This petition requires a waiver of the requirements of 37 C.F.R. § 1.59(a). Expedited consideration of this petition is respectfully requested.

The Chart in the instant patent application contains personal information that was filed as part of the original disclosure on March 2, 2004. Applicant respectfully requests that the present petition be granted, and hereby submits a substitute sheet entitled "Figure 1" to replace the Chart in the event the substitute sheet can be immediately entered into the record following consideration of this petition. In the alternative, Applicant requests permission to submit the substitute sheet later during prosecution for consideration by the responsible Examiner. Applicant further requests that the originally filed Chart be made not available to the public and non-viewable on the Public Patent Application and Information Retrieval (PAIR) access site.

C:\N\Portb\PALIB\LCV\2711703_1.DOC

U.S. Serial No.: 10/791,439
Docket No.: 31718-701.201

Other remedial actions that may become necessary to prevent public disclosure of the Chart and its contents is also respectfully requested.

The basis for this petition under 37 C.F.R. § 1.183 and why justice requires suspension of the rules (37 C.F.R. § 1.59(a)) in this extraordinary situation are provided below.

REMARKS

The instant patent application entitled "Methods and Systems for Identifying Users and Detecting Fraud by Use of the Internet" was filed on March 2, 2004. Due to a miscommunication between the applicant inventor Ori Eisen and his attorney, this submission included a Chart containing personal information and partial excerpts of non-fictitious information for non-fictitious persons. The Chart unfortunately contains real names of people, their respective e-mail addresses, and partially redacted credit card numbers.

There is nothing in the record that supports the need for the kinds of private information included in the originally filed Chart. The instant patent application is related generally to electronic commerce (e-commerce) transactions and solutions for identifying computers, particularly those associated with fraudulent online transactions. In order to explain concepts of the invention provided herein, it was intended for the Chart to include information about fictional online users including phony names, e-mail address, credit card information. Whether the underlying information in the Chart is fictitious or not adds no real value for purposes of describing and explaining the concepts of the invention in the instant application. Meanwhile, the magnitude of possible harm in the event the originally filed Chart were to be published is significant. This was an inadvertent error committed during the filing of the instant patent application and the Chart must be expunged from the record in the interests of justice.

Below are facts that are believed to be relevant to this petition:

1. The instant patent application (Patent Application Serial No. 10/791,439) was filed on March 2, 2004.
2. The patent application as filed contained fourteen (14) pages including claims, and also an additional enclosure identified as "Chart" in the application transmittal.

C:\N\Portb\IPALIB1\LCV2711703_1.DOC

U.S. Serial No.: 10/791,439
Docket No.: 31718-701.201

3. The application transmittal further included a Request for Non-Publication pursuant to 35 U.S.C. 222(b)(2) and was not the subject of an application filed in another country requiring publication of the application 18 months after filing of the application.

4. The originally filed Chart consists of forty-two (42) pages contains numerous dates, e-mail addresses, names and partially redacted credit card numbers.

5. The Chart appears to be a printout from an Excel document with improper pagination whereby columns run-off the letter sized spreadsheet configured with a portrait-style layout.

6. In the last paragraph on p. 5 of the patent application (five lines from the bottom of the page), the following reference is made to the Chart - "Referring to the chart, what is shown is a series of typical transactions on the Internet between a merchant and several customers."

7. Under the section entitled "Brief Description of the Chart," the following reference is made to the Chart - "The chart illustrates the versatility and accuracy of the present invention in weeding out possible fraudulent online transactions."

A review of the Chart and its contents clearly demonstrates that it was unintentionally submitted. The printout and format of the Chart further lends support to the conclusion that it was submitted by mistake in that the pagination error caused the Chart to nearly triple in length. Moreover, the transaction information provided in the Chart was provided to serve as exemplary transactions in which fraud could be detected in accordance with the invention. Applicant contends that none of the content provided in the Chart is necessary to describe and claim the invention as required under applicable patent statutes (Title 35 U.S.C.) and governing rules, nor is such information material to patentability or would otherwise be considered important by a reasonable examiner.

This error was only recently uncovered during the inspection of the file for this application by new counsel for Applicant. A Power of Attorney for new counsel was filed on June 20, 2005. Upon recent inspection of the record to confirm the inadvertent filing of the Chart, Applicant is diligently filing this petition to expunge. Furthermore, because Applicant requested non-publication of the patent application under 35 U.S.C. 222(b)(2), this application is not currently scheduled for publication. In the event a patent issues from this patent application, or if Applicant decides to withdraw the non-publication request, the interests of justice require

C:\N:\Portb\PALIB1\LCV2711703_1.DOC

RECEIVED
CENTRAL FAX CENTER

AUG 30 2005

U.S. Serial No.: 10/791,439
Docket No.: 31718-701.201

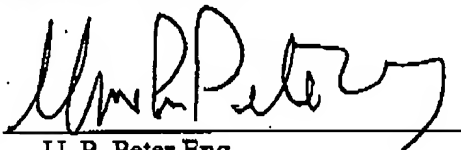
that the Chart be expunged from the record. Because information forming part of the original disclosure may not be expunged as stated under 37 C.F.R. § 1.59(a) in general, Applicant hereby requests suspension of the rules pursuant to 37 C.F.R. § 1.183 in this instance.

Based upon these facts and inspection of the originally filed patent application, Applicant's petition should be granted. Applicant requests that the Chart be expunged from the original disclosure and that it not be published or otherwise disclosed to the public such as by inspection of the physical files or the PAIR access site. Favorable and prompt action on this expedited request is respectfully solicited in this extraordinary situation.

The Commissioner is hereby authorized to charge the fee of \$ 130.00 as required by 37 C.F.R. § 1.17(h), the fee of \$ 400.00 for expedited consideration of this petition, and any other additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No.: 31718-701.201).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: 
U. P. Peter Eng
Registration No.: 39,666

Dated: August 25, 2005

650 Page Mill Road
Palo Alto, California 94304-1050
Telephone No.: (650) 493-9300
Facsimile No.: (650) 493-6811

C:\NrPortb\NPALIB\LCV2711703_1.DOC